

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION No. 1:24-CV-930

LAURA SAAVEDRA FORERO,

Plaintiff, **NOTICE OF REMOVAL**
 28 U.S.C. §§ 1331, 1441, and 1446

v.

F.W. HUMPHREY, in his individual
and official capacities,

Orange County Superior Court
State of North Carolina
24-CV-003092-670

Defendant.

To: The United States District Court for the
 Middle District of North Carolina

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant F. W. Humphrey, in his individual and official capacities, respectfully submits this Notice of Removal of the above-captioned case from the Superior Court of Orange County, North Carolina (File No. 24-CV-003092-670) to this Honorable Court.

In support of this Notice, Defendant states the following:

PROCEDURAL BACKGROUND AND RELEVANT ALLEGATIONS

1. Plaintiff, Laura Saavedra Forero, commenced this action by filing a Complaint on October 28, 2024 in the General Court of Justice, Superior Division, in Orange County, North Carolina. The case was docketed as 24-CV-003092-670. Pursuant to 42 U.S.C. § 1446(a), a copy of the state court file is attached as Exhibit 1, and is incorporated herein by reference.

2. The Plaintiff alleges a claim under 28 U.S.C. § 1983 and the Fourth Amendment of the United States Constitution, for which she seeks damages and relief.

FEDERAL QUESTION JURISDICTION

3. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as it is apparent from Plaintiff's Complaint that this action arises under and presents questions of federal law. Specifically, Plaintiff alleges her claim pursuant to 24 U.S.C. § 1983, alleging that Defendant violated her Fourth Amendment right to be free from unreasonable searches and seizures. Accordingly, Defendant may remove the action to this Court. *See* 28 U.S.C. § 1441(a).

NOTICE OF REMOVAL IS TIMELY

4. The University of North Carolina at Chapel Hill Office of University Counsel received a copy of the Complaint via email on November 4, 2024.

5. Defendant was not served prior to November 6, 2024, the date of this filing.

6. Thus, removal is timely pursuant to 28 U.S.C. § 1446(b).

VENUE

7. Venue is proper because the Middle District of North Carolina includes the Superior Court of Orange County, North Carolina, where this suit was originally filed. 28 U.S.C. §§ 1331(a), 1441(a).

NOTICE TO PLAINTIFF AND STATE COURT

8. Pursuant to 28 U.S.C. § 1446(d), undersigned counsel certifies that a copy of this Notice of Removal will be served on Plaintiff and filed promptly with the Clerk of Superior Court for Orange County.

NON-WAIVER OF DEFENSES

9. By filing this Notice of Removal, Defendant does not waive any defenses that may be available to him and expressly reserves all such defenses, objections, and motions. This includes, but is not limited to, defenses and objections on the basis of lack of personal jurisdiction, subject matter jurisdiction, insufficient service of process, insufficient process, and improper service.

WHEREFORE, Defendant respectfully gives notice that the above-styled action pending in Superior Court for Orange County, North Carolina, has been removed therefrom to this court pursuant to the federal question jurisdiction invoked by Plaintiff's § 1983 claim.

Respectfully submitted, this the 6th day of November, 2024.

JOSHUA H. STEIN
Attorney General

/s/ Elizabeth B. Jenkins
Elizabeth B. Jenkins
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Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Removal was served upon counsel for Plaintiff by depositing the same in the United States mail, first-class postage prepaid, and addressed to:

Jaelyn Miller
Emancipate N.C.
P.O. Box 309
Durham, NC 27702
jaelyn@emancipatenc.org

This the 6th day of November, 2024.

JOSHUA H. STEIN
Attorney General

/s/ Elizabeth B. Jenkins
Elizabeth B. Jenkins
Special Deputy Attorney General